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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David A. Cook

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38550 7590 02/24/2011

CARGILL, INCORPORATED  
P.O. Box 5624  
MINNEAPOLIS, MN 55440-5624

EXAMINER

ANDERSON, JERRY W

ART UNIT

PAPER NUMBER

1781

MAIL DATE

DELIVERY MODE

02/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### **Election/Restrictions**

1. Applicant's election of group I, claims 1-24 in the reply filed on 12/13/10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Newly submitted claims 1-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
3. The application, as filed, claimed a feed composition, (claims 1-12) a feed composition for domestic mammals, (claims 13-24) and a method for producing the feed composition. (claims 25-32)
4. A restriction requirement was filed by the Office, and the applicant elected the feed composition, claims 1-24, as originally filed.
5. The claims, filed 12/13/10, are directed to a soybean meal, ( claims 1-2) a soybean oil, (claim 3) a soy germ concentrate, (claims 4-9) a method of producing a soy germ concentrate, (claims 10-15) and a process for separating a cracked soybean stream. (claims 16-24). However the claims originally filed and for which an election was required, were directed to a feed composition, claims 1-24, and a method for producing domestic animal feed composition, claims 25-32.
6. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, newly submitted claims 1-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JERRY W. ANDERSON whose telephone number is (571)270-3734. The examiner can normally be reached on 7 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. SAYALA/  
Primary Examiner, Art Unit 1781

/J. W. A./  
Examiner, Art Unit 1781